

EXHIBIT 5

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CHERYL A. COSTANTINO and,
EDWARD P. MCCALL, JR.,

Case No. 20-014780-AW

Plaintiffs,

Hon. Timothy M. Kenny

vs.

CITY OF DETROIT; DETROIT ELECTION
COMMISSION; JANICE WINFREY, in her official
capacity as the CLERK OF THE CITY and the
Chairperson of the DETROIT ELECTION COMMISSION;
CATHY M. GARRETT, in her official capacity as the
CLERK OF WAYNE COUNTY; and the WAYNE COUNTY
BOARD OF CANVASSERS,

Defendants.

GREAT LAKES JUSTICE CENTER
David A. Kallman (P34200)
Erin E. Mersino (P70886)
Jack C. Jordan (P46551)
Stephen P. Kallman (P75622)
5600 W. Mount Hope Hwy.
Lansing, MI 48917
(517) 322-3207
Attorneys for Plaintiffs

FINK BRESSACK
David H. Fink (P28235)
Darryl Bressack(P67820)
38500 Woodward Ave., Suite 350
Bloomfield Hills, MI 48304
(248) 971-2500
dfink@finkbressack.com
dbressack@finkbressack.com
*Attorneys for City of Detroit, City of Detroit
Election Commission and Janice Winfrey*

CITY OF DETROIT LAW DEPARTMENT
Lawrence T. García (P54890)
Charles N. Raimi (P29746)
James D. Nosedá (P52563)
2 Woodward Ave., 5th Floor
Detroit, MI 48226
(313) 237-5037
garcial@detroitmi.goc
raimic@detroitmi.gov
nosej@detroitmi.gov
*Attorneys for City of Detroit, City of Detroit
Election Commission and Janice Winfrey*

AFFIDAVIT OF LAWRENCE T. GARCIA

Being duly sworn, Lawrence T. García, deposes and states the following as true, under oath:

1. For almost three years, I have served the City of Detroit as Corporation Counsel and as one of three commissioners on Detroit's Election Commission, as identified by the 2012 Detroit City Charter, Section 3-102.
2. From the morning of Tuesday, November 3, 2020 until roughly ten o'clock on the evening of Wednesday, November 4, 2020, I personally witnessed efforts to prepare, process and count absentee voter ("AV") ballots cast in the November 3, 2020 election by Detroiters.
3. I witnessed no irregularities in the processing of AV ballots cast in the recent election.
4. On Tuesday and Wednesday of this week, I spent at least 18 hours inside the Central Counting Board ("CCB") in Hall E of the TCF Center where AV ballots were counted.
5. During my time in the CCB, I personally recognized and spoke with election challengers from both the democratic and republican parties, as well as challengers who identified themselves as non-partisan, and I personally witnessed election inspectors fielding concerns from both republican and democrat election challengers.
6. All poll workers taking part in the recent election work were identified by name, as well as their stated political party preference in an official, poll worker list that was available for inspection and that was published to both the republican and democratic parties of Michigan well in advance of the AV ballot counting that took place this week.
7. Having been present at the CCB during all or most of the time at issue in this dispute, I do not see how any of the things alleged would tend to benefit one candidate to the exclusion of others – with the sole exception of the alleged, illegal delivery of late, false ballots, which I find incredible.

I affirm that the representations above are true.

Lawrence T. Garcia
Lawrence T. Garcia

Subscribed and sworn to before me
This 11th day of November 2020

Nancy A. Goldpaugh
Notary Public
County of Wayne, State of Michigan

My Commission Expires: 8-4-2023

